



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 30, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0238

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	SPD Policy 9.030 Equipment 8. Department Personnel Shall Report Destroyed, Lost or Stolen Equipment	Sustained
# 2	SPD Policy 5.001 Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)
# 3	5.001 Standards and Duties 3. Employees Use Training to Assist in Following Policy	Not Sustained (Management Action)

Imposed Discipline

Suspension Without Pay

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

It was alleged that the Named Employee violated policy by losing her duty equipment and firearm and failing to timely notify her supervisor.

SUMMARY OF INVESTIGATION:

Named Employee #1 (NE#1) was on leave from employment at SPD for a prolonged period of time. She was scheduled to return to duty in April of 2021. On March 30, 2021, NE#1 informed her supervisor – the Complainant in this case - that she was having difficulty locating her duty gear, including her firearm, but she said that she had not conducted a full search of her residence and the surrounding premises yet. The Complainant documented that NE#1 contacted him again on April 30, 2021, to ask to schedule vacation time, but she did not raise the status of her duty equipment and firearm. At that time. On May 4, 2021, NE#1 again called the Complainant and said that she was not able to locate her duty equipment and firearm. She stated that they may have been stored in a trash bag that she had subsequently taken to the dump. NE#1 told the Complainant that she was not aware of when her duty equipment and the firearm were first known to be missing. The Complainant ensured that a report was completed, and NE#1 sought a replacement firearm. The Complainant further made an OPA referral, resulting in this investigation.

As part of its investigation, OPA reviewed an email from the SPD Quartermaster dated May 3, 2021. He wrote that NE#1 informed him that she was aware that she lost her duty equipment and firearm on April 30 and that she had already notified her supervisor.



OPA further interviewed NE#1. She believed it likely that she threw her duty equipment and firearm out at the dump. She said that she was cleaning out her property at the time and may have mixed the bag containing these items up with the trash. She told OPA that she first became aware of the possibility that the equipment was missing on March 30, and that she reported it to a supervisor. However, she asserted that she was not definitively aware of what had likely happened until she went to training on May 4. She then notified a lieutenant. NE#1 believed that she threw the items out inadvertently but could not say so for sure. She also noted, however, that she donated some items in bags. She did not believe that the items were stolen as she lives in a secluded location.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

SPD Policy 9.030 Equipment 8. Department Personnel Shall Report Destroyed, Lost or Stolen Equipment

SPD Policy 9.030-POL-8 requires that Department employee report destroyed, lost, or stolen equipment to their chain of command. The policy specifically states that: "Employees shall report destroyed, lost, or stolen Department-issued equipment, immediately to an on-duty sergeant in their precinct/section of assignment."

Here, NE#1 was aware that she had lost her duty equipment and firearm on April 30. This is confirmed by the email from the SPD Quartermaster. However, she did not notify her direct supervisor or any other on-duty sergeant of this until May 4. As she did not immediately report the loss, her conduct was contrary to policy.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

SPD Policy 5.001 Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. It was alleged that NE#1 may have violated the law by either losing or throwing away her firearm.

There are two laws at issue: (1) Seattle's safe storage law – SMC 10.79; and (2) Washington State's safe storage law – RCW 9.41.360.

Here, Seattle's law is inapplicable as NE#1 does not live in Seattle and the conduct at issue did not occur within the confines of the city. With regard to Washington State law, which is not as broad as Seattle's ordinance, OPA cannot establish that NE#1 stored or left her firearm in a location where she knew or reasonably should have known that a prohibited person (such as a juvenile or a convicted felon) could gain access. Moreover, there is no evidence suggesting that any prohibited person did actually gain access to the firearm, as opposed to it being destroyed as NE#1 believed most likely.

In reaching this finding, OPA does not excuse NE#1's handling and storage of her firearm. Indeed, OPA finds that it was negligent if not reckless. In addition, had the conduct occurred within Seattle, it would be illegal under city law. However, such conduct does not violate Washington State law and, thus, OPA cannot sustain this finding. As such, OPA recommends that this allegation be Not Sustained – Unfounded.



Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #1 - Allegation #3

5.001 Standards and Duties 3. Employees Use Training to Assist in Following Policy

OPA's investigation determined that only new SPD hires are trained regarding the requirements for safe storage. As such, NE#1 would not have received this training. OPA also notes that there is no policy governing either the reckless or negligent handling and storage of firearms. OPA believes this to be a gap that should be remedied. Accordingly, OPA issues the below Management Action Recommendation.

- **Management Action:** All SPD employees should be provided training on the Washington State and Seattle safe storage laws. In addition, SPD should create a policy that codifies the requirements of these laws, as well as that discusses the negligent and reckless handling or storage of firearms.

Recommended Finding: **Not Sustained (Management Action)**